

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES FRANCIS BOYD,

Plaintiff,

v.

COLIN MCCABE, and
JEFFREY MASSERANG, JR.,

Defendants.

Case No. 16-12741

Honorable Laurie J. Michelson

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS'
MOTION IN LIMINE [97] AND MOTION TO STRIKE SEWICK [106]**

Charles Boyd alleges that Colin McCabe and Jeffrey Masserang used excessive force when arresting him and then, later, when booking him. The two police officers deny those allegations. Following lengthy litigation, this case is ready for trial.

McCabe and Masserang filed a motion in limine to prevent Boyd from introducing certain evidence at trial. (ECF No. 97.) The Court ruled on that motion at the final pretrial conference. Briefly, the Court ruled as follows: (1) because Boyd failed to provide timely expert disclosures, he is precluded from offering any expert testimony at trial (subject to a follow-up ruling as to Dr. Sewick); (2) evidence regarding the dismissed claims and parties is not admissible; and (3) Boyd is permitted to show portions of the video that are relevant to the claims being tried in slow motion. Accordingly, McCabe and Masserang's motion in limine (ECF No. 97) is GRANTED IN PART and DENIED IN PART.

McCabe and Masserang have also filed a motion to strike the expert testimony and report of Bradley Sewick, Ph.D. For the reasons stated on the record today (July 7), Sewick may testify as to his observations, examination, testing, diagnosis, prognosis, and prescribed treatment that was revealed to the Defendants by December 15, 2018. Sewick, however, will not be permitted to testify as to the cause of Boyd's conditions, including that they were caused by or secondary to an assault on May 28, 2014. Additionally, if Defendants desire, they are permitted to depose Sewick in advance of his testimony; Boyd is required to work with Sewick and Defendants' counsel to arrange that deposition. If Sewick does not make himself available, he will be precluded from testifying. Accordingly, Defendants' motion to strike (ECF No. 106) is GRANTED IN PART and DENIED IN PART.

SO ORDERED.

Dated: July 7, 2022

s/Laurie J. Michelson
LAURIE J. MICHELSON
United States District Judge